

Senate File 2360

H-8343

1 Amend Senate File 2360, as passed by the Senate, as
2 follows:
3 1. By striking everything after the enacting clause
4 and inserting:
5 <Section 1. NEW SECTION. 124.401G Medical
6 cannabidiol — affirmative defense.
7 1. In a prosecution for the unlawful possession
8 of marijuana under the laws of this state, it is an
9 affirmative and complete defense to the prosecution
10 that a patient has been diagnosed with intractable
11 epilepsy and used or possessed medical cannabidiol to
12 treat or alleviate symptoms of intractable epilepsy.
13 2. In a prosecution for the unlawful possession
14 of marijuana under the laws of this state, it is an
15 affirmative and complete defense to the prosecution
16 that the person possessed medical cannabidiol because
17 the person is a primary caregiver of a patient who
18 has been diagnosed with intractable epilepsy, where
19 the primary caregiver's possession of the medical
20 cannabidiol is on behalf of the patient and for the
21 patient's use only.
22 3. a. For purposes of this section, "*primary*
23 *caregiver*" means a person, at least eighteen years of
24 age, who has been designated by a patient's neurologist
25 or a person having custody of a patient, as being
26 necessary to take responsibility for managing the
27 well-being of the patient with respect to the medical
28 use of cannabidiol. A patient may have one or more
29 designated primary caregivers.
30 b. "*Primary caregiver*" includes but is not limited
31 to the following:
32 (1) An employee of a hospice program, if the
33 employee meets the definition of a primary caregiver
34 under paragraph "a".
35 (2) An individual providing home and
36 community-based services, and including a home health
37 agency, licensed, certified, or otherwise authorized
38 or permitted by the law of this state or another state
39 to administer health care in the ordinary course of
40 business or in the practice of a profession, if the
41 individual meets the definition of a primary caregiver
42 under paragraph "a".
43 4. This section is repealed July 1, 2017.>
44 2. Title page, by striking lines 1 and 2 and
45 inserting <An Act providing an affirmative defense for
46 the medical use of cannabidiol.>

ROGERS of Black Hawk